

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Leonard Deron Seamon,

Civil No. 14-1540 (DWF/HB)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Kent Grandlienard,

Respondent.

This matter is before the Court upon Petitioner Leonard Deron Seamon's ("Petitioner") self-styled objections (Doc. No. 21) to Magistrate Judge Hildy Bowbeer's September 15, 2015 Report and Recommendation (Doc. No. 18) insofar as it recommends that: (1) Petitioner's Petition for Writ of Habeas Corpus be denied; and (2) that a certificate of appealability not be granted.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of evaluating Petitioner's objections.

In the Report and Recommendation, Magistrate Judge Bowbeer recommended the following conclusions: the trial court did not put Petitioner in jeopardy twice; Petitioner's Fourth Amendment claim is barred by *Stone v. Powell*, 428 U.S. 465, 494 (1976); Petitioner's Sixth Amendment Right of Confrontation claim fails; Petitioner's due process

claim under the Fourteenth Amendment based on the lack of a formal arraignment fails; Petitioner's various due process claims relating to the State's burden of proof fail; and Petitioner was not denied his right to speedy trial. In addition, Magistrate Judge Bowbeer recommended that Petitioner not be granted a COA in this matter because it is unlikely that any other court, including the Eighth Circuit Court of Appeals, would decide Petitioner's claims any differently than recommended.

The Court agrees with the Magistrate Judge and concludes that Petitioner's objections offer no basis for a departure from the Magistrate Judge's recommendations. Thus, based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner Leonard Deron Seamon's *pro se* self-styled objections (Doc. No. [21]) to Magistrate Judge Hildy Bowbeer's September 15, 2015 Report and Recommendation are **OVERRULED**.
2. Magistrate Judge Hildy Bowbeer's September 15, 2015 Report and Recommendation (Doc. No. [18]) is **ADOPTED**.
3. Leonard Deron Seamon's Petition for Writ of Habeas Corpus (Doc. No. [1]) is **DENIED**.

4. A certificate of appealability will **NOT BE GRANTED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 24, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge